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NOTIFICATION.

Order No. P. 248—Legis. 35-30-4, dated Bangalore, 12—14th July 1933.

Ordered that the accompanying Regulation to amend the Hindu Law as to the Rights of Women which received the assent of His Highness the Maharaja, on the 29th day of June 1933, be published as Regulation No. X of 1933, in the *Mysore Gazette* for general information.

S. N. APPANNA IYENGAR,
Secretary to Government,
General Department.

REGULATION X OF 1933.

RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE 29TH DAY OF JUNE 1933.

Regulation to amend the Hindu Law as to the Rights of Women and in certain other respects.

Whereas it is expedient to amend the Hindu Law as to the Rights of Women, and in certain other respects; It is hereby enacted as follows :— Preamble.

PRELIMINARY.

1. (1) This Regulation may be called the Hindu Law Women's Rights Regulation, 1933. Short title.

(2) It extends to the whole of Mysore. Extent.

(3) It shall come into force on the first day of January 1934. Commencement.

2. (1) This Regulation applies to persons who but for the passing of this Regulation, would have been subject to the law of Mitakshara in respect of the provisions herein enacted. Application.

(2) Save as aforesaid, nothing herein contained shall be deemed to affect any rules or incidents of the Hindu Law which are not inconsistent with the provisions of this Regulation.

Interpretation clause.

3. In this Regulation, unless there is anything repugnant in the subject or context—

(*a*) "agnate" means a relative connected by an unbroken line of male descent from a common ancestor, and includes a female related to an agnate by marriage;

(*b*) "ancestor" includes three generations, male or female, in ascent from the same person;

(*c*) "cognate" means a relative connected by a line of descent from a common ancestor broken by one or more female links, and includes a female related to a cognate by marriage;

(*d*) "full estate" means the sum total of the rights exercisable over any property, including the power of unfettered disposal *inter vivos* and by will;

(*e*) "Hindu" means a person governed by the Mitakshara School of Hindu Law;

(*f*) "issue" includes three generations, male or female, in descent from the same person;

(*g*) "last full owner" means the person in whom the full estate in any property was last vested at the time of his or her death;

(*h*) "limited estate" means any estate other than a full estate;

(*i*) "next reversioner" includes, where the next reversioner is a female, also the next male reversioner, and, where there are more reversioners than one, the whole body of reversioners next entitled to the reversion at any given time;

(*j*) "propositus" means the person whose relatives are to be reckoned;

(*k*) "relative" means a person connected either by blood, that is to say, through descent from a common ancestor, or by marriage with a person connected by blood.

PART I.

INHERITANCE.

Order of succession.

4. (1) The succession to a Hindu male dying intestate shall, in the first place, vest in the members of the

family of the propositus mentioned below, and in the following order:—

(i) the male issue to the third generation;
(ii) the widow;
(iii) daughters:
(iv) daughters' sons;
(v) the mother;
(vi) the father;
(vii) widows of predeceased sons;
(viii) sons' daughters;
(ix) daughters' daughters;
(x) brothers of the whole blood;
(xi) brothers of the half blood;
(xii) sons' sons' daughters, sons' daughters' sons, sons' danghters' daughters, daughters' sons' sons, daughters' sons' daughters, daughters' daughters' sons, and daughters' daughters' daughters;
(xiii) widows of predeceased grandsons and great grandsons.

(2) On failure of the family of the propositus, the succession shall pass to the family of the father of the propositus mentioned below, and in the following order:—

(i) brothers' male issue to the second generation;
(ii) sisters;
(iii) half sisters;
(iv) sisters' sons;
(v) half sisters' sons;
(vi) the father's mother;
(vii) the father's father;
(viii) step-mothers;
(ix) brothers' widows;
(x) brothers' daughters;
(xi) sisters' daughters;
(xii) father's brothers of the whole blood;
(xiii) father's brothers of the half blood;
(xiv) brothers' sons' daughters, brothers' daughters' sons, brothers' daughters' daughters, sisters' sons' sons, sisters' sons' daughters, sisters' daughters' sons, and sisters' daughters' daughters;
(xv) widows of brothers' male issue to the second generation.

(3) On failure of the family of the father of the propositus, the succession shall pass to the family of the paternal grandfather, and next thereafter to the family

of the paternal great-grandfather; the members of each family ranking among themselves in the same relative order as the members corresponding to them in the family of the father.

(4) On failure of the families of paternal ancestors to the third degree as above, the succession shall pass to the maternal ancestors to the third degree and their respective families, one after the other; and under the same rules *mutatis mutandis* as to relative order within each such family as are applicable to the families of the paternal ancestors.

(5) The members (where there are more than one) of each of the groups indicated above by Roman numerals and of the groups corresponding to them under sub-sections (3) and (4) shall, among themselves, take simultaneously and in equal shares (*per capita*), provided that the male issue of the propositus shall take according to stock (*per stirpes*).

(6) Every reference to the son of a female relative in this section shall be read as excluding a son adopted after the death of such female relative.

Illustration.—A sister's son does not include a son adopted after the sister's death.

General rules as to order of preference.

5. Except as otherwise specially provided in the preceding section and in section 12, the order of preference among heirs shall be regulated by the following rules:—

Firstly, a nearer line shall exclude one more remote.

Explanation to Rule I.—The descendants of the propositus constitute a nearer line than those of the father, the descendants of the father a nearer line than those of the grandfather, and so on, up to a limit of three degrees from and exclusive of the common ancestor in each case.

Secondly, within each line limited as aforesaid, agnates shall be preferred to cognates irrespective of degree.

Thirdly, among agnates, and likewise among cognates, heirs nearer in degree to the propositus shall exclude those more remote; but where the degrees are equal, a male shall be preferred to a female.

Explanation to Rule III.—Male issue up to three generations shall count as one degree for the purpose of this Rule.

Fourthly, in the absence of any ground of preference as herein provided, heirs of the same degree reckoned from the propositus shall take equally.

PART II.

SEPARATE PROPERTY, PARTITION AND ADOPTION.

Self-acquisitions deemed to be separate property.

6. (1) Property acquired by a member of a joint Hindu family by his own exertions, skill, learning or talents, or acquired in any other manner, without material and direct aid from property belonging to the joint family, shall be deemed to be the separate property of such member, notwithstanding that, at any time previous to, or at the time of his acquiring such property, such member may have been maintained or supported, or have received training or education of any kind (general, special, technical, or other), at the expense of the joint family or of any member thereof.

Separate property to pass by succession in case of intestacy.

(2) Such separate property of a person shall, in the event of his dying intestate, pass by succession to his own heirs, male or female.

Separation of interest by expression of intention.

7. (1) Where a member of a joint Hindu family not being a minor has, by conduct or by declaration, expressed clearly and unequivocally, and to the knowledge of the other members, his intention to separate himself from the family, he shall be deemed to have become divided in interest from such other members from the time of such expression of intention.

Separate share or interest to pass by succession in case of intestacy.

(2) The share or interest in joint family property of a member becoming divided in interest under sub-section (1) shall, in the event of his dying intestate, pass by succession to his own heirs, male or female, even though no actual division of property may have been made.

Certain females entitled to shares at partition.

8. (1) (*a*) At a partition of joint family property between a person and his son or sons, his mother, his unmarried daughters and the widows and unmarried daughters of his predeceased undivided sons and brothers who have left no male issue shall be entitled to share with them.

(*b*) At a partition of joint family property among brothers, their mother, their unmarried sisters and the widows and unmarried daughters of their predeceased

undivided brothers who have left no male issue shall be entitled to share with them.

(*c*) Sub-sections (*a*) and (*b*) shall also apply *mutatis mutandis* to a partition among other co-parceners in a joint family.

(*d*) Where joint family property passes to a single co-parcener by survivorship, it shall so pass subject to the rights to shares of the classes of females enumerated in the above sub-sections.

(2) Such share shall be fixed as follows:—

(*a*) in the case of the widow, one-half of what her husband, if he were alive, would receive as his share;

(*b*) in the case of the mother, one-half of the share of a son if she has a son alive, and, in any other case, one-half of what her husband, if he were alive, would receive as his share;

(*c*) in the case of every unmarried daughter or sister, one-fourth of the share of a brother if she has a brother alive, and, in any other case, one-fourth of what her father, if he were alive, would receive as his share: provided that the share to which a daughter or sister is entitled under this section shall be inclusive of, and not in addition to, the legitimate expenses of her marriage including a reasonable dowry or marriage portion.

(3) In this section, the term "widow" includes, where there are more widows than one of the same person all of them jointly, and the term "mother" includes a step-mother and, where there are both a mother and a step-mother, all of them jointly and the term "son" includes a step-son as also a grandson and a great grandson; and the provisions of this section relating to the mother shall be applicable *mutatis mutandis* to the paternal grand-mother and great grand-mother.

(4) Fractional shares of the females as fixed above shall relate to the share of the husband, son, father or brother as the case may be and their value shall be ascertained by treating one share as allotted to the male and assigning therefrom the proper fractional shares to the female relatives.

(5) Each of the female relatives referred to in sub-section (1) shall be entitled to have her share separated off and placed in her possession:

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Provided always as follows:— Provisos.

(i) No female relative shall be entitled to a share in property acquired by a person and referred to in section 6, so long as he is alive;

(ii) No female whose husband or father is alive shall be entitled to demand a partition as against such husband or father, as the case may be;

(iii) A female entitled to a share in any property in one capacity of relationship shall not be entitled to claim a further or additional share in the same property in any other capacity.

Illustration.—A and his son B effect a partition of their family property. A has a mother and two unmarried daughters. Their shares will be as follows:—

Father	1
Son	1
Mother	$\frac{1}{2}$
Two daughters	$\frac{1}{4}$ each

The property will be divided in the above proportion, the father getting $\frac{1}{3}$, the son $\frac{1}{3}$, the mother $\frac{1}{6}$ and each daughter $\frac{1}{12}$.

9. (1) In the absence of an express prohibition in writing, by the husband, his widow, or, where he has left more widows than one, the seniormost of them shall be presumed to have his authority to make an adoption. Authority to adopt.

(2) No adoption made by a widow shall— Effect of adoption.

(*a*) divest her of her estate in any *stridhana* property, other than such as she may have taken by inheritance from her husband; or

(*b*) affect her right to obtain at any time, at her option, either maintenance charged upon the property inherited from her husband, or a separate share therein equal to one-half of the share of the adopted son; or

(*c*) affect her right to manage such property, as well as to act as the guardian of the person of the adopted son, during his minority.

(3) An arrangement made prior to or at the time of an adoption as aforesaid, whereby the adopted son if he be a major, or his natural father or mother if he be a minor, agrees to his rights in or over the property of the adoptive father being limited, curtailed, or postponed in the interests of the adoptive mother, shall be valid and binding on the adopted son. Validity of pre-adoption arrangements.

PART III.

WOMEN'S FULL ESTATE.

What is "*stridhana*."

10. (1) "*Stridhana*" means property of every description belonging to a Hindu female, other than property in which she has, by law or under the terms of an instrument, only a limited estate.

(2) *Stridhana* includes:—

(*a*) all ornaments and apparel belonging to a female;

(*b*) all gifts received by a female at any time (whether before, at or after her marriage) and from any person (whether her husband or other relative or a stranger);

(*c*) property acquired by a female by her own exertions, skill, learning or talents;

(*d*) property acquired by a female by purchase, agreement, compromise, finding or adverse possession;

(*e*) the income, and savings from income, of all property whatsoever vested in a female, whether absolutely or otherwise;

(*f*) property obtained by a female as her share at a partition; and

(*g*) property taken by inheritance by a female from another female and property taken by inheritance by a female from her husband or son, or from a male relative connected by blood except when there is a daughter or daughter's son of the propositus alive at the time the property is so inherited.

(3) All gifts and payments other than or in addition to, or in excess of, the customary presents of vessels, apparel and other articles of personal use made to a bride or bridegroom in connection with their marriage or to their parents or guardians or other persons on their behalf, by the bridegroom, bride, or their relatives or friends, shall be the *stridhana* of the bride.

Nature of estate in *stridhana*.

11. (1) A female owning *stridhana* property shall have over it absolute and unrestricted powers both of enjoyment and of disposition *inter vivos* and by will, subject only to the general law relating to guardianship during minority.

(2) Except when acting as the lawful guardian of his wife, a husband shall have no right to or interest in